

Executive Summary – Enforcement Matter – Case No. 48757
E.I. du Pont de Nemours and Company
RN100225085
Docket No. 2014-0835-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

E.I. du Pont de Nemours La Porte Plant, 12501 Strang Road, La Porte, Harris County

Type of Operation:

Chemical plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: November 28, 2014

Comments Received: No

Penalty Information

Total Penalty Assessed: \$114,863

Amount Deferred for Expedited Settlement: \$22,972

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$45,946

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$45,945

Name of SEP: Houston-Galveston Area Council-AERCO (Third-Party Pre-Approved)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

Executive Summary – Enforcement Matter – Case No. 48757
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Docket No. 2014-0835-AIR-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: June 3, 2013 through February 7, 2014, May 2, 2014 through May 16, 2014, and May 14, 2014 through May 30, 2014

Date(s) of NOE(s): February 21, 2014, June 13, 2014, and July 15, 2014

Violation Information

1. Failed to comply with the allowable hourly emissions rate. Specifically, during a performance stack test on the Lannate Vapor Incinerator [Emissions Point Number (“EPN”) LN-01] conducted on December 13, 2011, it was determined that the nitrogen oxides (“NOx”) emissions rate was 3.23 pounds per hour (“lbs/hr”) and the particulate matter (“PM”) emissions rate was 4.08 lbs/hr, which exceeds the permitted rates of 1.51 lbs/hr for NOx and 0.06 lb/hr for PM, resulting in the unauthorized release of approximately 37,275.84 pounds (“lbs”) of NOx and 87,121.44 lbs of PM [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), New Source Review (“NSR”) Permit No. 1834, Special Conditions (“SC”) No. 1, and Federal Operating Permit (“FOP”) No. O-1906, Special Terms and Conditions (“STC”) No. 7].
2. Failed to maintain the flow meter for the A Plant Flare (EPN VS-202C), in highly reactive volatile organic compound service. Specifically, the flow meter was required to be calibrated to demonstrate an accuracy of within 20% of a referenced flow rate and during a calibration attempt on June 28, 2013, the flow meter was accurate to within 60.4% of a referenced flow rate [30 TEX. ADMIN. CODE §§ 115.725(d)(1)(C), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), NSR Permit No. 4445, SC No. 5E, and FOP No. O-1911, STC No. 1A].
3. Failed to prevent unauthorized emissions. Specifically, the Respondent released 61.48 lbs of carbon monoxide and 7.37 lbs of NOx from the A Plant Flare (EPN VS-202), and 3,950 lbs of volatile organic compounds, including 2,020 lbs of ethylene, from the vent valve (EPN VS-400) during an emissions event (Incident No. 194969) that occurred on March 3, 2014, and lasted 36 minutes. TCEQ staff also documented the exceedance of the 1,200 lbs in one hour limit for highly reactive volatile organic compounds during the 36 minute event. This event occurred when configuration changes to the Honeywell Distributive Control System activated the safety interlocks. This caused a vent valve to open directly to the atmosphere and another to the flare system which resulted in the unauthorized emissions. Since the emissions event could have been avoided with better operation and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(c) and 115.722(c)(1), TEX. HEALTH & SAFETY CODE § 382.085(b), and NSR Permit No. 4445, SC No. 1].

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Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following corrective measures:

- a. On January 22, 2013, added steam injection to the Lannate Vapor Incinerator EPN LN-01 to minimize the formation of NOx;
- b. On March 26, 2013, conducted a second stack test which resulted in the NOx emission measurement meeting the allowable permitted hourly emissions rate;
- c. On December 3, 2013, calibrated the flow meter; and
- d. On March 20, 2014, moved the sample ports further up the vent stack to allow time for the solids to settle and to ensure more accurate measurements are taken of the PM emissions.

Technical Requirements:

1. The Order will require the Respondent to implement and complete a Supplemental Environmental Project (“SEP”). (See Attachment A)
2. The Order will also require the Respondent to:
 - a. Within 30 days:
 - i. Implement measures and/or procedures to prevent the recurrence of emissions events due to similar causes as Incident No. 194969; and
 - ii. Conduct a stack test to demonstrate compliance with the PM hourly emissions rate for the Lannate Vapor Incinerator (EPN LN-01), in accordance with NSR Permit No. 1834, or submit an administratively complete permit amendment application for NSR Permit No. 1834 to increase the allowable permitted hourly emissions rate for PM.
 - b. If a permit amendment application is submitted, then respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit amendment application within 30 days after the date of such requests, or by any other deadline specified in writing.
 - c. Within 45 days, submit written certification to demonstrate compliance with Ordering Provision a.
 - d. If a stack test is conducted, then within 90 days, submit written certification demonstrating compliance with the PM hourly emissions rate in NSR Permit No. 1834.
 - e. If a permit amendment application is submitted, then within 360 days, submit written certification that the permit amendment was obtained or that operation has ceased until such time that appropriate authorization is obtained.

**Executive Summary – Enforcement Matter – Case No. 48757
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Docket No. 2014-0835-AIR-E**

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Farhaud Abbaszadeh, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-0779; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456
TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565
Respondent: Thuy Mai, Senior Environmental Engineer, E.I. du Pont de Nemours and Company, 12501 Strang Road, La Porte, Texas 77571
Randall Clements, Plant Manager, E.I. du Pont de Nemours and Company, 12501 Strang Road, La Porte, Texas 77571
Respondent's Attorney: N/A

Attachment A
Docket Number: 2014-0835-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	E.I. du Pont de Nemours and Company
Penalty Amount:	Ninety-One Thousand Eight Hundred Ninety-One Dollars (\$91,891)
SEP Offset Amount:	Forty-Five Thousand Nine Hundred Forty-Five Dollars (\$45,945)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Houston-Galveston Area Council-AERCO ("AERCO")
Project Name:	<i>Clean Vehicles Partnership Project</i>
<u>Location of SEP:</u> Angelina, Austin, Brazoria, Chambers, Colorado, Fort Bend, Galveston, Hardin, Harris, Houston, Jasper, Jefferson, Liberty, Matagorda, Montgomery, Nacogdoches, Newton, Orange, Polk, Sabine, San Augustine, San Jacinto, Trinity, Tyler, Walker, Waller, and Wharton Counties	

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Houston-Galveston Area Council-AERCO** for the *Clean Vehicles Partnership Project*. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used to replace old, higher emission buses that do not meet 2010 Environmental Protection Agency ("EPA") emissions standards ("Old Buses") with new, lower emission buses that meet the most recent EPA emissions standards ("New Buses") or to retrofit or convert Old Buses with emissions reducing equipment. The Third-Party Administrator shall allocate the SEP Offset Amount to public entities such as school districts, local governments, and public transit authorities ("SEP Administrators") that apply for replacement, retrofit, or conversion of buses.

E.I. du Pont de Nemours and Company
Agreed Order - Attachment A

The SEP Offset Amount may also be used for retrofit or conversion technology that brings an Old Bus up to current EPA emissions standards. New Buses may be alternative-fueled. The SEP Offset Amount may be used for up to 100% of the replacement, conversion, or retrofit cost. The SEP Offset Amount will be used only for purchase of New Buses or conversion or retrofit equipment and contract labor for installation of equipment. The SEP Offset Amount will not be used for financing such a purchase through a lease-purchase or similar agreement.

Retrofitting means reducing exhaust emissions to current standards by installing devices that are verified or certified by the EPA or the California Air Resources Board as proven retrofit technologies. Converting means replacing an engine system with an alternative fuel engine system to bring the Old Bus within the current EPA emissions standards. Buses to be replaced, retrofitted, or converted must be in regular use (driven at least five hundred miles per year for at least the past two years) by the SEP Administrator and must not already be scheduled for replacement in the following twenty-four months. All replaced buses must be fully decommissioned. The Third-Party Administrator shall provide proof of decommissioning to TCEQ for each replaced vehicle by submitting a copy of the TCEQ SEP Vehicle Replacement Disposition Form. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

This SEP will directly benefit air quality by reducing harmful exhaust emissions that contribute to the formation of ozone and may cause or exacerbate a number of respiratory diseases, including asthma. For example, by replacing a 1989 diesel bus with a 2010 ultra-low emission model, passengers' exposure to nitrogen oxides may be reduced by 98 percent; volatile organic compounds by 93 percent; carbon dioxide by 83 percent; and particulate matter by 99 percent. In addition, by encouraging less bus idling, this SEP contributes to public awareness of air pollution and air quality.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Houston-Galveston Area Council-AERCO SEP** and shall mail the contribution with a copy of the Agreed Order to:

Houston-Galveston Area Council-AERCO
P.O. Box 22777
Houston, Texas 77227-2777

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality;" and shall mail it to:

E.I. du Pont de Nemours and Company
Agreed Order - Attachment A

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the Project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

6. Recognition

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES

Assigned
PCW

19-May-2014
3-Jun-2014

Screening

3-Jun-2014

EPA Due

6-Feb-2015

RESPONDENT/FACILITY INFORMATION

Respondent E.I. du Pont de Nemours and Company

Reg. Ent. Ref. No. RN100225085

Facility/Site Region 12-Houston

Major/Minor Source Major

CASE INFORMATION

Enf./Case ID No. 48757

Docket No. 2014-0835-AIR-E

Media Program(s) Air

Multi-Media

No. of Violations 3

Order Type 1660

Government/Non-Profit No

Enf. Coordinator Farhaud Abbaszadeh

EC's Team Enforcement Team 4

Admin. Penalty \$ Limit Minimum

\$0

Maximum

\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 \$48,750

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History

100.0%

Enhancement

Subtotals 2, 3, & 7

\$48,750

Notes

Enhancement for six NOVs with same/similar violations, two NOVs with dissimilar violations, five orders with denial of liability, and two orders without denial of liability. Reduction for one Notice of Intent to conduct an audit and one disclosure of violations.

Culpability

No

0.0%

Enhancement

Subtotal 4

\$0

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments

Subtotal 5

-\$1,875

Economic Benefit

Total EB Amounts \$19,238

Approx. Cost of Compliance \$127,600

50.0% Enhancement*

*Capped at the Total EB \$ Amount

Subtotal 6

\$19,238

SUM OF SUBTOTALS 1-7

Final Subtotal

\$114,863

OTHER FACTORS AS JUSTICE MAY REQUIRE

0.0%

Adjustment

\$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount

\$114,863

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty

\$114,863

DEFERRAL

20.0%

Reduction

Adjustment

-\$22,972

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY

\$91,891

Screening Date 3-Jun-2014

Docket No. 2014-0835-AIR-E

PCW

Respondent E.I. du Pont de Nemours and Company

Policy Revision 4 (April 2014)

Case ID No. 48757

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100225085

Media [Statute] Air

Enf. Coordinator Farhaud Abbaszadeh

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	6	30%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	5	100%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	2	50%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	1	-2%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 181%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Enhancement for six NOVs with same/similar violations, two NOVs with dissimilar violations, five orders with denial of liability, and two orders without denial of liability. Reduction for one Notice of Intent to conduct an audit and one disclosure of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 181%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 100%

Screening Date 3-Jun-2014

Docket No. 2014-0835-AIR-E

PCW

Respondent E.I. du Pont de Nemours and Company

Policy Revision 4 (April 2014)

Case ID No. 48757

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100225085

Media [Statute] Air

Enf. Coordinator Farhaud Abbaszadeh

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), New Source Review ("NSR") Permit No. 1834, Special Conditions ("SC") No. 1, and Federal Operating Permit ("FOP") No. O-1906, Special Terms and Conditions ("STC") No. 7

Violation Description

Failed to comply with the allowable hourly emissions rate. Specifically, during a performance stack test on the Lannate Vapor Incinerator [Emissions Point Number ("EPN") LN-01] conducted on December 13, 2011, it was determined that the nitrogen oxide ("NOx") emissions rate was 3.23 pounds per hour ("lbs/hr") and the particulate matter ("PM") emissions rate was 4.08 lbs/hr, which exceeds the permitted rates of 1.51 lbs/hr for NOx and 0.06 lb/hr for PM, resulting in the unauthorized release of approximately 37,275.84 pounds ("lbs") of NOx and 87,121.44 lbs of PM.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 10

903 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$37,500

Ten quarterly events are recommended from the date of the stack test on December 13, 2011 to the date of screening on June 3, 2014.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$37,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$18,993

Violation Final Penalty Total \$81,413

This violation Final Assessed Penalty (adjusted for limits) \$81,413

Economic Benefit Worksheet

Respondent E.I. du Pont de Nemours and Company

Case ID No. 48757

Reg. Ent. Reference No. RN100225085

Media Air

Violation No. 1

Percent Interest 5.0
Years of Depreciation 15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount
Item Description No commas or \$

Delayed Costs

Equipment	\$110,000	13-Dec-2011	20-Mar-2014	2.27	\$832	\$16,636	\$17,467
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	13-Dec-2011	31-Dec-2014	3.05	\$1,526	n/a	\$1,526

Notes for DELAYED costs

Estimated cost to add steam injection to the Lannate Vapor Incinerator (EPN LN-01), move the sample ports further up the vent stack, and to retest. The Date Required is the date of the failed stack test and the Final Dates are the date of compliance and the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$120,000

TOTAL

\$18,993

Screening Date 3-Jun-2014

Docket No. 2014-0835-AIR-E

PCW

Respondent E.I. du Pont de Nemours and Company

Policy Revision 4 (April 2014)

Case ID No. 48757

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100225085

Media [Statute] Air

Enf. Coordinator Farhaud Abbaszadeh

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 115.725(d)(1)(C), 116.115(c), and 122.143(4), Tex. Health & Safety Code § 382.085(b), NSR Permit No. 4445, SC No. 5E, and FOP No. O-1911, STC No. 1A

Violation Description

Failed to maintain the flow meter for the A Plant Flare (EPN VS-202C), in highly reactive volatile organic compound service. Specifically, the flow meter was required to be calibrated to demonstrate an accuracy of within 20% of a referenced flow rate and during a calibration attempt on June 28, 2013, the flow meter was accurate to within 60.4% of a referenced flow rate.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 2

158 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$7,500

Two quarterly events are recommended from the June 28, 2013 violation start date to the December 3, 2013 date of compliance.

Good Faith Efforts to Comply

25.0%

Reduction

\$1,875

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	x
N/A	(mark with x)

Notes

The Respondent completed corrective actions by December 3, 2013, before the June 13, 2014 Notice of Enforcement.

Violation Subtotal \$5,625

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$56

Violation Final Penalty Total \$19,538

This violation Final Assessed Penalty (adjusted for limits) \$19,538

Economic Benefit Worksheet

Respondent E.I. du Pont de Nemours and Company

Case ID No. 48757

Reg. Ent. Reference No. RN100225085

Media Air

Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$2,600	28-Jun-2013	3-Dec-2013	0.43	\$56	n/a	\$56

Notes for DELAYED costs

Estimated cost to calibrate the flow meter. The Date Required is the violation start date. The Final Date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,600

TOTAL

\$56

Screening Date 3-Jun-2014

Docket No. 2014-0835-AIR-E

PCW

Respondent E.I. du Pont de Nemours and Company

Policy Revision 4 (April 2014)

Case ID No. 48757

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100225085

Media [Statute] Air

Enf. Coordinator Farhaud Abbaszadeh

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 115.722(c)(1), Tex. Health & Safety Code § 382.085(b), and NSR Permit No. 4445, SC No. 1

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 61.48 lbs of carbon monoxide and 7.37 lbs of NOx from the A Plant Flare (EPN VS-202), and 3,950 lbs of volatile organic compounds, including 2,020 lbs of ethylene, from the vent valve (EPN VS-400) during an emissions event (Incident No. 194969) that occurred on March 3, 2014, and lasted 36 minutes. TCEQ staff also documented the exceedance of the 1,200 lbs in one hour limit for highly reactive volatile organic compounds during the 36 minute event. This event occurred when configuration changes to the Honeywell Distributive Control System activated the safety interlocks. This caused a vent valve to open directly to the atmosphere and another to the flare system which resulted in the unauthorized emissions. Since the emissions event could have been avoided with better operation and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$3,750

One quarterly event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$188

Violation Final Penalty Total \$13,913

This violation Final Assessed Penalty (adjusted for limits) \$13,913

Economic Benefit Worksheet

Respondent E.I. du Pont de Nemours and Company
Case ID No. 48757
Reg. Ent. Reference No. RN100225085
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	3-Mar-2014	3-Dec-2014	0.75	\$188	n/a	\$188

Notes for DELAYED costs

Estimated cost to implement measures and/or procedures to prevent the recurrence of emissions events due to the same cause as Incident No. 194969. The Date Required is the date the emissions event occurred. The Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$188

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



History

Compliance History Report

PENDING Compliance History Report for CN600128284, RN100225085, Rating Year 2014 which includes Compliance (CH) components from September 1, 2009, through August 31, 2014.

Customer, Respondent, or Owner/Operator:	CN600128284, E. I. du Pont de Nemours and Company	Classification: SATISFACTORY	Rating: 5.32
Regulated Entity:	RN100225085, E I DU PONT DE NEMOURS LA PORTE PLANT	Classification: SATISFACTORY	Rating: 4.18
Complexity Points:	50	Repeat Violator: NO	
CH Group:	05 - Chemical Manufacturing		
Location:	12501 STRANG ROAD LA PORTE, TEXAS 77571-8704, HARRIS COUNTY		
TCEQ Region:	REGION 12 - HOUSTON		

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER HG0218K

AIR OPERATING PERMITS PERMIT 1846

AIR OPERATING PERMITS PERMIT 1906

AIR OPERATING PERMITS PERMIT 1990

AIR NEW SOURCE PERMITS AFS NUM 4820100011

AIR NEW SOURCE PERMITS REGISTRATION 71932

AIR NEW SOURCE PERMITS REGISTRATION 12725

AIR NEW SOURCE PERMITS PERMIT 21130

AIR NEW SOURCE PERMITS REGISTRATION 23688

AIR NEW SOURCE PERMITS REGISTRATION 25657

AIR NEW SOURCE PERMITS REGISTRATION 27385

AIR NEW SOURCE PERMITS REGISTRATION 26496

AIR NEW SOURCE PERMITS REGISTRATION 28383

AIR NEW SOURCE PERMITS REGISTRATION 26592

AIR NEW SOURCE PERMITS REGISTRATION 30428

AIR NEW SOURCE PERMITS REGISTRATION 34030

AIR NEW SOURCE PERMITS REGISTRATION 35510

AIR NEW SOURCE PERMITS REGISTRATION 36341

AIR NEW SOURCE PERMITS REGISTRATION 37277

AIR NEW SOURCE PERMITS REGISTRATION 39520

AIR NEW SOURCE PERMITS REGISTRATION 41436

AIR NEW SOURCE PERMITS REGISTRATION 44102

AIR NEW SOURCE PERMITS REGISTRATION 44835

AIR NEW SOURCE PERMITS REGISTRATION 46250

AIR NEW SOURCE PERMITS REGISTRATION 47006

AIR NEW SOURCE PERMITS REGISTRATION 48201

AIR NEW SOURCE PERMITS REGISTRATION 50145

AIR NEW SOURCE PERMITS PERMIT 2295A

AIR NEW SOURCE PERMITS PERMIT 2446A

AIR NEW SOURCE PERMITS PERMIT 3406

AIR NEW SOURCE PERMITS PERMIT 7820

AIR NEW SOURCE PERMITS PERMIT 7986

AIR NEW SOURCE PERMITS REGISTRATION 51352

AIR NEW SOURCE PERMITS REGISTRATION 93151

AIR NEW SOURCE PERMITS REGISTRATION 55092

AIR NEW SOURCE PERMITS REGISTRATION 54748

AIR NEW SOURCE PERMITS REGISTRATION 55169

AIR NEW SOURCE PERMITS REGISTRATION 53898

AIR NEW SOURCE PERMITS REGISTRATION 54142

AIR NEW SOURCE PERMITS REGISTRATION 75780

AIR NEW SOURCE PERMITS REGISTRATION 75939

AIR OPERATING PERMITS PERMIT 1845

AIR OPERATING PERMITS PERMIT 1905

AIR OPERATING PERMITS PERMIT 1907

AIR OPERATING PERMITS PERMIT 1891

AIR NEW SOURCE PERMITS REGISTRATION 93294

AIR NEW SOURCE PERMITS REGISTRATION 12705

AIR NEW SOURCE PERMITS PERMIT 20800

AIR NEW SOURCE PERMITS REGISTRATION 23740

AIR NEW SOURCE PERMITS REGISTRATION 25009

AIR NEW SOURCE PERMITS REGISTRATION 25400

AIR NEW SOURCE PERMITS REGISTRATION 26222

AIR NEW SOURCE PERMITS REGISTRATION 26340

AIR NEW SOURCE PERMITS REGISTRATION 24984

AIR NEW SOURCE PERMITS REGISTRATION 30182

AIR NEW SOURCE PERMITS REGISTRATION 32351

AIR NEW SOURCE PERMITS REGISTRATION 34178

AIR NEW SOURCE PERMITS REGISTRATION 36110

AIR NEW SOURCE PERMITS REGISTRATION 37427

AIR NEW SOURCE PERMITS REGISTRATION 37750

AIR NEW SOURCE PERMITS REGISTRATION 41316

AIR NEW SOURCE PERMITS REGISTRATION 41786

AIR NEW SOURCE PERMITS REGISTRATION 44807

AIR NEW SOURCE PERMITS REGISTRATION 44934

AIR NEW SOURCE PERMITS REGISTRATION 46795

AIR NEW SOURCE PERMITS REGISTRATION 47657

AIR NEW SOURCE PERMITS REGISTRATION 48336

AIR NEW SOURCE PERMITS PERMIT 1834

AIR NEW SOURCE PERMITS PERMIT 2295B

AIR NEW SOURCE PERMITS PERMIT 2751

AIR NEW SOURCE PERMITS PERMIT 6502

AIR NEW SOURCE PERMITS PERMIT 7941

AIR NEW SOURCE PERMITS REGISTRATION 51618

AIR NEW SOURCE PERMITS REGISTRATION 52051

AIR NEW SOURCE PERMITS REGISTRATION 84460

AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG0218K

AIR NEW SOURCE PERMITS REGISTRATION 55472

AIR NEW SOURCE PERMITS REGISTRATION 53691

AIR NEW SOURCE PERMITS REGISTRATION 53933

AIR NEW SOURCE PERMITS REGISTRATION 55100

AIR NEW SOURCE PERMITS REGISTRATION 75781

AIR NEW SOURCE PERMITS REGISTRATION 55942

AIR NEW SOURCE PERMITS REGISTRATION 75522
AIR NEW SOURCE PERMITS REGISTRATION 70680
AIR NEW SOURCE PERMITS REGISTRATION 71515
AIR NEW SOURCE PERMITS REGISTRATION 71555
AIR NEW SOURCE PERMITS REGISTRATION 71637
AIR NEW SOURCE PERMITS REGISTRATION 70683
AIR NEW SOURCE PERMITS REGISTRATION 55709
AIR NEW SOURCE PERMITS REGISTRATION 72501
AIR NEW SOURCE PERMITS REGISTRATION 55614
AIR NEW SOURCE PERMITS REGISTRATION 74445
AIR NEW SOURCE PERMITS REGISTRATION 73850
AIR NEW SOURCE PERMITS REGISTRATION 77245
AIR NEW SOURCE PERMITS REGISTRATION 77101
AIR NEW SOURCE PERMITS REGISTRATION 79153
AIR NEW SOURCE PERMITS REGISTRATION 79912
AIR NEW SOURCE PERMITS REGISTRATION 80234
AIR NEW SOURCE PERMITS REGISTRATION 81545
AIR NEW SOURCE PERMITS REGISTRATION 81466
AIR NEW SOURCE PERMITS REGISTRATION 82048
AIR NEW SOURCE PERMITS REGISTRATION 82394
AIR NEW SOURCE PERMITS REGISTRATION 83743
AIR NEW SOURCE PERMITS REGISTRATION 83045
AIR NEW SOURCE PERMITS REGISTRATION 81488
AIR NEW SOURCE PERMITS REGISTRATION 81487
AIR NEW SOURCE PERMITS REGISTRATION 92250
AIR NEW SOURCE PERMITS REGISTRATION 93752
AIR NEW SOURCE PERMITS REGISTRATION 98906
AIR NEW SOURCE PERMITS REGISTRATION 102077
AIR NEW SOURCE PERMITS REGISTRATION 104938
AIR NEW SOURCE PERMITS REGISTRATION 120431
AIR NEW SOURCE PERMITS REGISTRATION 120918
AIR NEW SOURCE PERMITS REGISTRATION 111053
AIR NEW SOURCE PERMITS REGISTRATION 111051
AIR NEW SOURCE PERMITS REGISTRATION 111046
AIR NEW SOURCE PERMITS REGISTRATION 109185
AIR NEW SOURCE PERMITS REGISTRATION 118171
AIR NEW SOURCE PERMITS REGISTRATION 117546
WASTEWATER EPA ID TX0007293

PETROLEUM STORAGE TANK REGISTRATION
REGISTRATION 35066
STORMWATER PERMIT TXR05P548

AIR EMISSIONS INVENTORY ACCOUNT NUMBER
HG0218K
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE
REGISTRATION # (SWR) 30046
POLLUTION PREVENTION PLANNING ID NUMBER
P00192

Compliance History Period: September 01, 2009 to August 31, 2014

Rating Year: 2014

Rating Date: 09/01/2014

Date Compliance History Report Prepared: September 15, 2014

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: September 15, 2009 to September 15, 2014

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Farhaud Abbaszadeh

Phone: (512) 239-0779

AIR NEW SOURCE PERMITS REGISTRATION 70090
AIR NEW SOURCE PERMITS REGISTRATION 71485
AIR NEW SOURCE PERMITS REGISTRATION 71521
AIR NEW SOURCE PERMITS REGISTRATION 71589
AIR NEW SOURCE PERMITS REGISTRATION 71079
AIR NEW SOURCE PERMITS REGISTRATION 54434
AIR NEW SOURCE PERMITS REGISTRATION 54656
AIR NEW SOURCE PERMITS REGISTRATION 73137
AIR NEW SOURCE PERMITS REGISTRATION 55864
AIR NEW SOURCE PERMITS REGISTRATION 74547
AIR NEW SOURCE PERMITS REGISTRATION 74781
AIR NEW SOURCE PERMITS REGISTRATION 77924
AIR NEW SOURCE PERMITS REGISTRATION 79091
AIR NEW SOURCE PERMITS REGISTRATION 79624
AIR NEW SOURCE PERMITS REGISTRATION 79682
AIR NEW SOURCE PERMITS REGISTRATION 79824
AIR NEW SOURCE PERMITS REGISTRATION 81161
AIR NEW SOURCE PERMITS REGISTRATION 81328
AIR NEW SOURCE PERMITS REGISTRATION 83253
AIR NEW SOURCE PERMITS REGISTRATION 82353
AIR NEW SOURCE PERMITS REGISTRATION 86302
AIR NEW SOURCE PERMITS REGISTRATION 90542
AIR NEW SOURCE PERMITS REGISTRATION 85923
AIR NEW SOURCE PERMITS REGISTRATION 88256
AIR NEW SOURCE PERMITS REGISTRATION 91667
AIR NEW SOURCE PERMITS REGISTRATION 94357
AIR NEW SOURCE PERMITS REGISTRATION 99259
AIR NEW SOURCE PERMITS REGISTRATION 111049
AIR NEW SOURCE PERMITS REGISTRATION 111054
AIR NEW SOURCE PERMITS REGISTRATION 106293
AIR NEW SOURCE PERMITS REGISTRATION 107071
AIR NEW SOURCE PERMITS REGISTRATION 123132
AIR NEW SOURCE PERMITS REGISTRATION 104917
AIR NEW SOURCE PERMITS REGISTRATION 122607
AIR NEW SOURCE PERMITS REGISTRATION 120445
AIR NEW SOURCE PERMITS REGISTRATION 104939
WASTEWATER PERMIT WQ0000474000
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION
1011171
WATER LICENSING LICENSE 1011171

IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION
(SWR) 30046
INDUSTRIAL AND HAZARDOUS WASTE EPA ID
TXD008079212
INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50213

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

- 1 Effective Date: 09/26/2010 ADMINORDER 2010-0313-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:Special Condition 1 PERMIT
Description: Failed to prevent unauthorized emissions during Incident No. 130915. Specifically, 355 pounds ("lbs") of carbon dioxide and 3,700 lbs of methylene chloride, a hazardous air pollutant, were released from a relief valve (Emissions Point No. LN-21F) in the Lannate/API Unit during an emissions event that began on October 14, 2009 and lasted 7 hours and 6 minutes. The unauthorized release was the result of a failed pressure transmitter which caused the vent system to overpressurize,
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
5C THSC Chapter 382 382.085(b)
Description: Failed to timely report Incident No. 130915 within 24 hours after discovery. Specifically, the event was discovered on October 14, 2009, at 11:00 p.m. However, the initial notification was not submitted until October 19, 2009, at 4:31 p.m.
- 2 Effective Date: 12/19/2011 ADMINORDER 2011-0757-AIR-E (Findings Order-Agreed Order Without Denial)
Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:General Terms & Conditions OP
Description: Failure to submit the semi-annual deviation report dated November 17, 2010 within 30 days after the end of the reporting period. (CATEGORY B3 violation)
- 3 Effective Date: 08/05/2012 ADMINORDER 2012-0093-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:Special Conditions 1 PERMIT
Description: Failed to prevent unauthorized emissions during an emissions event (Incident No. 160293) which occurred on October 7, 2011, and lasted approximately two hours in the Vinyls A-Plant Unit. Specifically, 1,900 pounds of ethylene were released when the one-half inch transmitter tubing on the ethylene supply header broke. Since the emissions event could have been avoided by better operational practices, the demonstration criteria for an affirmative defense could not be met.
- 4 Effective Date: 10/27/2012 ADMINORDER 2012-0598-AIR-E (Findings Order-Agreed Order Without Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:Special Condition 18 PERMIT
ST&C 5 OP
Description: Failed to maintain the liquid flow rate to the Hydrogen Fluoride ("HF") Scrubber above 87 gallons per minute ("gpm") on April 11, 2011 for six minutes, on May 15, 2011 for 12 minutes, and on September 1, 2011 for 43 minutes.
- 5 Effective Date: 11/11/2012 ADMINORDER 2012-0050-IWD-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov:Effluent Limits PERMIT

Description: Failure to comply with permitted effluent limitations for Outfalls 101 and 201, as documented during record reviews conducted on December 9, 2011, and April 4, 2012

6 Effective Date: 08/15/2014 ADMINORDER 2013-2104-IWD-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov:Effluent Limits PERMIT
Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.

See addendum for information regarding federal actions.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	October 15, 2009	(924888)
Item 2	November 09, 2009	(777109)
Item 3	November 10, 2009	(778076)
Item 4	November 18, 2009	(805005)
Item 5	December 03, 2009	(783577)
Item 6	January 07, 2010	(786284)
Item 7	February 05, 2010	(787487)
Item 8	February 12, 2010	(787495)
Item 9	March 12, 2010	(794629)
Item 10	March 15, 2010	(793882)
Item 11	March 16, 2010	(793584)
Item 12	March 17, 2010	(794414)
Item 13	March 19, 2010	(831002)
Item 14	March 22, 2010	(793494)
Item 15	April 01, 2010	(794468)
Item 16	April 07, 2010	(797870)
Item 17	April 22, 2010	(798404)
Item 18	May 07, 2010	(794423)
Item 19	May 25, 2010	(803599)
Item 20	May 27, 2010	(798885)
Item 21	June 30, 2010	(828551)
Item 22	July 14, 2010	(828955)
Item 23	July 23, 2010	(825858)
Item 24	August 17, 2010	(866873)
Item 25	August 18, 2010	(794203)
Item 26	September 02, 2010	(843397)
Item 27	September 22, 2010	(873944)
Item 28	October 26, 2010	(865837)
Item 29	December 14, 2010	(873625)
Item 30	December 16, 2010	(873720)
Item 31	December 21, 2010	(882751)
Item 32	January 05, 2011	(896286)
Item 33	March 30, 2011	(899782)
Item 34	April 12, 2011	(907101)
Item 35	April 15, 2011	(899799)
Item 36	April 26, 2011	(878117)
Item 37	May 20, 2011	(901539)
Item 38	July 18, 2011	(893104)
Item 39	July 20, 2011	(922870)
Item 40	July 22, 2011	(952663)
Item 41	August 19, 2011	(948943)

Item 42	October 13, 2011	(957690)
Item 43	January 17, 2012	(976436)
Item 44	March 01, 2012	(988309)
Item 45	March 22, 2012	(1003533)
Item 46	April 20, 2012	(996918)
Item 47	April 23, 2012	(1010099)
Item 48	May 08, 2012	(1001157)
Item 49	May 17, 2012	(1016489)
Item 50	June 22, 2012	(1024212)
Item 51	July 05, 2012	(1015498)
Item 52	July 06, 2012	(1015477)
Item 53	August 23, 2012	(1016323)
Item 54	September 24, 2012	(1046716)
Item 55	October 16, 2012	(1031121)
Item 56	October 22, 2012	(1061011)
Item 57	November 20, 2012	(1061012)
Item 58	November 30, 2012	(1042397)
Item 59	December 05, 2012	(1050240)
Item 60	December 12, 2012	(1051180)
Item 61	December 27, 2012	(1061013)
Item 62	January 22, 2013	(1079048)
Item 63	February 21, 2013	(1050729)
Item 64	February 22, 2013	(1059018)
Item 65	March 22, 2013	(1089348)
Item 66	May 22, 2013	(1106666)
Item 67	August 21, 2013	(1114247)
Item 68	August 22, 2013	(1093917)
Item 69	August 23, 2013	(1124981)
Item 70	September 24, 2013	(1129580)
Item 71	October 03, 2013	(1121243)
Item 72	November 26, 2013	(1140710)
Item 73	December 20, 2013	(1147169)
Item 74	January 22, 2014	(1153238)
Item 75	January 27, 2014	(1134582)
Item 76	March 20, 2014	(1167218)
Item 77	March 31, 2014	(1151327)
Item 78	April 04, 2014	(1152536)
Item 79	April 23, 2014	(1174351)
Item 80	May 27, 2014	(1180539)
Item 81	June 23, 2014	(1187437)
Item 82	August 15, 2014	(1190681)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- 1 Date: 10/25/2013 (1120140) CN600128284
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THSC Chapter 382 382.085(b)
 Special Condition 1 PERMIT
 Description: Failure to prevent unauthorized emissions due to an open block valves.

- 2 Date: 11/26/2013 (1128522) CN600128284
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 331, SubChapter D 331.64(d)
 WDW-149 Permit Provision XI.E.2. PERMIT
 Description: During third quarter calibration at WDW-149, the well was reportedly shut in as
 indicated by a zero value in the control room; however, the flow data obtained
 from the same period indicated there was flow to the well.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 331, SubChapter D 331.65(c)(1)
 40 CFR Chapter 146, SubChapter D, PT 146, SubPT G 146.69(a)(1)

40 CFR Chapter 146, SubChapter D, PT 146, SubPT G 146.69(a)(2)
 40 CFR Chapter 146, SubChapter D, PT 146, SubPT G 146.69(a)(3)
 Description: DuPont failed to report the correct maximum surface injection pressure at WDW-149 for September 2012.

- 3
 Date: 01/31/2014 (1160573) CN600128284
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
- 4
 Date: 05/02/2014 (1152424) CN600128284
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 18 PERMIT
 Special Term and Condition 6 OP
 Description: Failure to maintain the minimum liquid flow rate of scrubber (EPN: HF-01P).
 (Category C4)
- 5
 Date: 05/02/2014 (1152616) CN600128284
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(3)
 5C THSC Chapter 382 382.085(b)
 Special Condition 4B PERMIT
 Special Term & Condition 6 OP
 Description: The Velpar Flare and NAOME Flare both lost pilots due to a power outage for 10 minutes on 03/16/2013. The NAOME Flare lost pilot due to solenoid valve failure for 40 minutes on 08/23/2013. (Category B18)
- 6
 Date: 06/05/2014 (1134860) CN600128284
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.110(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
 5C THSC Chapter 382 382.085(b)
 ST&C 1 OP
 Description: Failure to prevent an open ended line in HAP service from the Environmental Control Area. (Category C-10)
- 7
 Date: 06/13/2014 (1152619) CN600128284
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 6 PERMIT
 Special Term and Condition 17 OP
 Description: Failure to maintain the flow rate of liquid to an absorber (EPN VS-206) above 17 gallons per minute [Category C4 violation]
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 115, SubChapter H 115.783(5)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 7E PERMIT
 Special Terms & Conditions 1A and 17 OP
 Description: Failure to properly plug or cap an open-ended line [Category C10 violation]
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 12D(2) PERMIT
 Special Term and Condition 17 OP
 Description: Failure to sample VOC concentration during maintenance events [Category C1 violation]

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 13B(3) PERMIT
 Special Term and Condition 17 OP
 Description: Failure to sample at required intervals prior to opening equipment for
 maintenance activities [Category C1 violation]
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 12 PERMIT
 Special Term and Condition 17 OP
 Description: Failure to properly purge or wash equipment prior to equipment opening for
 maintenance [Category B18 violation]

8 Date: 08/25/2014 (1156563) CN600128284
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 7B PERMIT
 Special Term & Condition 7 OP
 Description: Failure to maintain six minute average oxygen concentration of Methomyl
 Incinerator (EPN Unit LN-02C) (Category B13)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1366(b)(1)
 5C THSC Chapter 382 382.085(b)
 Special Term and Conditions1(A) OP
 Description: Failure to maintain flow rate for API Scrubber (EPN: SF-01C) and API Venturi
 Scrubber (EPN: SF-02C) (Category C4)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter B 115.144(5)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.136(e)(1)(i)
 5C THSC Chapter 382 382.085(b)
 Special Term & Condition 1A OP
 Description: Failure to meet monitoring requirements of permit. Weekly inspection records for
 TC Waste Tank (EPN: EC30-T) and Rainwater Tank (EC-31T) seals were not
 maintained. (Category C1)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Description: Failure include all deviations in the reporting period for which the deviation
 occurred, the probable cause of the deviation and any corrective action or
 preventative measures taken for emission units addressed in the permit. Water
 seal weekly inspection records failed to appear on the previous deviation report in
 the period in which checks should have occurred for water seals on TC Waste
 Tank and Rainwater Tank (EPNs: Unit EC-30-T;EC-31T). (Category C1)
 Self Report? YES Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 8B PERMIT
 Special Term & Condition 7 OP
 Description: Failure to maintain minimum 6 minute average of 1600° Fahrenheit limit
 established during the performance test for NRS Vapor Incinerator (EPN: LN-50
 C)(Category C4)

F. Environmental audits:

Notice of Intent Date: 10/04/2010 (877022)
 Disclosure Date: 01/07/2011
 Viol. Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115
 Rqmt Prov: PERMIT Special Conditions 11.J and 12.K

Description: Failure to record all actual readings of LDAR components whether a leak is detected or not. Specifically, fourth quarter monitoring in Lannate/API was conducted and background instrument readings were recorded for 3,745 components in which no leaks were detected were being recorded, rather than using the actual reading.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115

Rqmt Prov: PERMIT Special Condition 11.E

Description: Failure to updated the delay of repair (DOR) emission calculation spreadsheet within 10 days of adding new DOR components to the list due to personnel changes.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115

Rqmt Prov: PERMIT Special Condition 11.E

Description: One open-ended valve was found in the Lannate/API Unit.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1367(c)

Description: Failure to properly maintain records. Specifically, weekly AVO inspection records for pumps and connectors were not available for a period of five years. Records were available for the most recent 18 months, but not prior due to shorter record retention period specified by corporate guidelines.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1363

Description: Failure to include approximately 50 components that should have been included in the LDAR program for monitoring within the TCO Tank in the Environmental Control area.

Disclosure Date: 04/14/2011

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115

Rqmt Prov: PERMIT Special Conditions 11.J and 12.K

Description: Failure to record all actual readings of LDAR components whether a leak is detected or not. Specifically, fourth quarter monitoring in Lannate/API was conducted and background instrument readings were recorded for 3,745 components in which no leaks were detected were being recorded, rather than using the actual reading.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115

Rqmt Prov: PERMIT Special Condition 11.E

Description: Failure to updated the delay of repair (DOR) emission calculation spreadsheet within 10 days of adding new DOR components to the list due to personnel changes.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115

Rqmt Prov: PERMIT Special Condition 11.E

Description: One open-ended valve was found in the Lannate/API Unit.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1367(c)

Description: Failure to properly maintain records. Specifically, weekly AVO inspection records for pumps and connectors were not available for a period of five years. Records were available for the most recent 18 months, but not prior due to shorter record retention period specified by corporate guidelines.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1363

Description: Failure to include approximately 50 components that should have been included in the LDAR program for monitoring within the TCO Tank in the Environmental Control area.

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

Addendum to Compliance History Federal Enforcement Actions

Reg Entity Name: E.I. DU PONT DE NEMOURS & CO.

Reg Entity Add: 12501 STRANG ROAD

Reg Entity City: LA PORTE

Reg Entity No: RN100225085

Customer Name: E I DuPont de Nemours and Company

Customer No: CN600128284

EPA Case No: 06-2014-1766

Order Issue Date (yyyymmdd): 20140409

Case Result: Unilateral Administrative O

Statute: CWA

Sect of Statute: 301/402

Classification: Minor

Program: NPDES - Base Program

Citation:

Violation Type: Effluent Limit Violations, Not
Otherwise Specified

Cite Sect:

Cite Part:

Enforcement Action: Administrative Compliance Orders

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
E.I. DU PONT DE NEMOURS AND
COMPANY
RN100225085**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2014-0835-AIR-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding E.I. du Pont de Nemours and Company ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a chemical plant located at 12501 Strang Road in La Porte, Harris County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notices of the violations alleged in Section II ("Allegations") on or about February 26, 2014, June 18, 2014, and July 20, 2014.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of One Hundred Fourteen Thousand Eight Hundred Sixty-Three Dollars (\$114,863) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Forty-Five

Thousand Nine Hundred Forty-Six Dollars (\$45,946) of the administrative penalty and Twenty-Two Thousand Nine Hundred Seventy-Two Dollars (\$22,972) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Forty-Five Thousand Nine Hundred Forty-Five Dollars (\$45,945) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
 - a. On January 22, 2013, added steam injection to the Lannate Vapor Incinerator [Emissions Point Number ("EPN") LN-01] to minimize the formation of nitrogen oxides ("NOx");
 - b. On March 26, 2013, conducted a second stack test which resulted in the NOx emission measurement meeting the allowable permitted hourly emissions rate;
 - c. On December 3, 2013, calibrated the flow meter; and
 - d. On March 20, 2014, moved the sample ports further up the vent stack to allow time for the solids to settle and to ensure more accurate measurements are taken of the particulate matter ("PM") emissions.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have:

1. Failed to comply with the allowable hourly emissions rate, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), New Source Review ("NSR") Permit No. 1834, Special Conditions ("SC") No. 1, and Federal Operating Permit ("FOP") No. O-1906, Special Terms and Conditions ("STC") No. 7, as documented during a record review conducted from June 3, 2013 through February 7, 2014. Specifically, during a performance stack test on the Lannate Vapor Incinerator (EPN LN-01) conducted on December 13, 2011, it was determined that the NO_x emissions rate was 3.23 pounds per hour ("lbs/hr") and the PM emissions rate was 4.08 lbs/hr, which exceeds the permitted rates of 1.51 lbs/hr for NO_x and 0.06 lb/hr for PM, resulting in the unauthorized release of approximately 37,275.84 pounds ("lbs") of NO_x and 87,121.44 lbs of PM.
2. Failed to maintain the flow meter for the A Plant Flare (EPN VS-202C), in highly reactive volatile organic compound service, in violation of 30 TEX. ADMIN. CODE §§ 115.725(d)(1)(C), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), NSR Permit No. 4445, SC No. 5E, and FOP No. O-1911, STC No. 1A, as documented during a record review conducted from May 14, 2014 through May 30, 2014. Specifically, the flow meter was required to be calibrated to demonstrate an accuracy of within 20% of a referenced flow rate and during a calibration attempt on June 28, 2013, the flow meter was accurate to within 60.4% of a referenced flow rate.
3. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 115.722(c)(1), TEX. HEALTH & SAFETY CODE § 382.085(b), and NSR Permit No. 4445, SC No. 1, as documented during a record review conducted from May 2, 2014 through May 16, 2014. Specifically, the Respondent released 61.48 lbs of carbon monoxide and 7.37 lbs of NO_x from the A Plant Flare (EPN VS-202), and 3,950 lbs of volatile organic compounds, including 2,020 lbs of ethylene, from the vent valve (EPN VS-400) during an emissions event (Incident No. 194969) that occurred on March 3, 2014, and lasted 36 minutes. TCEQ staff also documented the exceedance of the 1,200 lbs in one hour limit for highly reactive volatile organic compounds during the 36 minute event. This event occurred when configuration changes to the Honeywell Distributive Control System activated the safety interlocks. This caused a vent valve to open directly to the atmosphere and another to the flare system which resulted in the unauthorized emissions. Since the emissions event could have been avoided with better operation and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: E.I. du Pont de Nemours and Company, Docket No. 2014-0835-AIR-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Forty-Five Thousand Nine Hundred Forty-Five Dollars (\$45,945) of the assessed administrative penalty shall be offset with the condition that the SEP defined in Attachment A, incorporated herein by reference, is implemented by the Respondent. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that the Respondent shall undertake the following technical requirements:

- a. Within 30 days after the effective date of this Agreed Order:

- i. Implement measures and/or procedures to prevent the recurrence of emissions events due to similar causes as Incident No. 194969; and
- ii. Conduct a stack test to demonstrate compliance with the PM hourly emissions rate for the Lannate Vapor Incinerator (EPN LN-01), in accordance with NSR Permit No. 1834, or submit an administratively complete permit amendment application for NSR Permit No. 1834 to increase the allowable permitted hourly emissions rate for PM in accordance with 30 TEX. ADMIN. CODE § 116.111 to:

Air Permits Division, MC 163
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- b. If a permit amendment application is submitted, then respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit amendment application within 30 days after the date of such requests, or by any other deadline specified in writing;

- c. Within 45 days after the effective date of this Agreed Order, submit written certification to demonstrate compliance with Ordering Provision No. 3.a., as described in Ordering Provision No. 3.f.;
- d. If a stack test is conducted, then within 90 days after the effective date of this Agreed Order, submit written certification demonstrating compliance with the PM hourly emissions rate in NSR Permit No. 1834, as described in Ordering Provision No. 3.f.;
- e. If a permit amendment application is submitted, then within 360 days after the effective date of this Agreed Order, submit written certification that the permit amendment was obtained or that operation has ceased until such time that appropriate authorization is obtained, as described in Ordering Provision No. 3.f.; and
- f. The written certifications required by Ordering Provision Nos. 3.c., 3.d., and 3.e. shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Air Section Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

- 4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.

5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

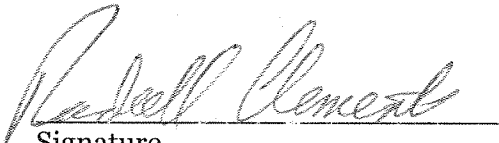
2/6/18
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.


Signature

10/30/2014
Date

RANDALL Clements
Name (Printed or typed)
Authorized Representative of
E.I. du Pont de Nemours and Company

Plant Manager
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.

Attachment A
Docket Number: 2014-0835-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	E.I. du Pont de Nemours and Company
Penalty Amount:	Ninety-One Thousand Eight Hundred Ninety-One Dollars (\$91,891)
SEP Offset Amount:	Forty-Five Thousand Nine Hundred Forty-Five Dollars (\$45,945)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Houston-Galveston Area Council-AERCO ("AERCO")
Project Name:	<i>Clean Vehicles Partnership Project</i>
Location of SEP: Angelina, Austin, Brazoria, Chambers, Colorado, Fort Bend, Galveston, Hardin, Harris, Houston, Jasper, Jefferson, Liberty, Matagorda, Montgomery, Nacogdoches, Newton, Orange, Polk, Sabine, San Augustine, San Jacinto, Trinity, Tyler, Walker, Waller, and Wharton Counties	

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Houston-Galveston Area Council-AERCO** for the *Clean Vehicles Partnership Project*. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used to to replace old, higher emission buses that do not meet 2010 Environmental Protection Agency ("EPA") emissions standards ("Old Buses") with new, lower emission buses that meet the most recent EPA emissions standards ("New Buses") or to retrofit or convert Old Buses with emissions reducing equipment. The Third-Party Administrator shall allocate the SEP Offset Amount to public entities such as school districts, local governments, and public transit authorities ("SEP Administrators") that apply for replacement, retrofit, or conversion of buses.

E.I. du Pont de Nemours and Company
Agreed Order - Attachment A

The SEP Offset Amount may also be used for retrofit or conversion technology that brings an Old Bus up to current EPA emissions standards. New Buses may be alternative-fueled. The SEP Offset Amount may be used for up to 100% of the replacement, conversion, or retrofit cost. The SEP Offset Amount will be used only for purchase of New Buses or conversion or retrofit equipment and contract labor for installation of equipment. The SEP Offset Amount will not be used for financing such a purchase through a lease-purchase or similar agreement.

Retrofitting means reducing exhaust emissions to current standards by installing devices that are verified or certified by the EPA or the California Air Resources Board as proven retrofit technologies. Converting means replacing an engine system with an alternative fuel engine system to bring the Old Bus within the current EPA emissions standards. Buses to be replaced, retrofitted, or converted must be in regular use (driven at least five hundred miles per year for at least the past two years) by the SEP Administrator and must not already be scheduled for replacement in the following twenty-four months. All replaced buses must be fully decommissioned. The Third-Party Administrator shall provide proof of decommissioning to TCEQ for each replaced vehicle by submitting a copy of the TCEQ SEP Vehicle Replacement Disposition Form. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

This SEP will directly benefit air quality by reducing harmful exhaust emissions that contribute to the formation of ozone and may cause or exacerbate a number of respiratory diseases, including asthma. For example, by replacing a 1989 diesel bus with a 2010 ultra-low emission model, passengers' exposure to nitrogen oxides may be reduced by 98 percent; volatile organic compounds by 93 percent; carbon dioxide by 83 percent; and particulate matter by 99 percent. In addition, by encouraging less bus idling, this SEP contributes to public awareness of air pollution and air quality.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Houston-Galveston Area Council-AERCO SEP** and shall mail the contribution with a copy of the Agreed Order to:

Houston-Galveston Area Council-AERCO
P.O. Box 22777
Houston, Texas 77227-2777

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality;" and shall mail it to:

E.I. du Pont de Nemours and Company
Agreed Order - Attachment A

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the Project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

6. Recognition

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.